

DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
DakotAbilities
Accountability Review - Monitoring Report 2011-2012

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Dates of On Site Visit: May 10, 2012

Date of Report: May 14, 2012

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'

- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)
- (2) A statement of measurable annual goals, including academic and functional goals
- (3) A statement of the special education and related services and supplementary aids and services,
- (4) An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section
- (7) A description of how the student's progress toward the annual goals described in this section will be measured and when periodic reports on the progress the student

is

making toward meeting the annual goals

- (8) Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter,

the IEP shall include:

- (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and
- (b) The transition services (including courses of study) needed to assist the student in reaching those goals; and

Corrective Action:

Prong 1: Correct each individual case of noncompliance

Through file review, it was determined that one student's IEP did not contain all required content.

Student:	Required Action:	Data To Be Submitted:
Student 1: Student placed at DakotAbilities had a current IEP in place, but the IEP did not contain all required content. Because DakotAbilities Special Education Comprehensive Plan indicates that it is the placing school district's responsibility to develop the annual IEP and complete	The resident school district will convene the IEP team and develop an IEP that addresses all required areas of the IEP for this student.	The district will submit the following: <ol style="list-style-type: none"> 1. PN for the IEP meeting 2. The IEP

the Prior Notices for meetings, it will be the placing district responsibility to correct this issue.		
Timeline for Completion: The school district will submit all requested material to team leader by July 20, 2012		
Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u> .		
The placing school district will review its 2011 Child Count to determine if the district has any other students at an out-of-district placement. If the district has any other out of district placements, the district will ensure the IEPs for those students contain all required content.		The district will submit: <ol style="list-style-type: none"> 1. 2011 Child Count 2. The corresponding current IEP for each student placed at an out-of-district facility
DakotAbilities will review and revise, if determined necessary, its intake procedure to ensure placing school district are aware of the district's responsibilities in regard to ensuring all IDEA requirements are followed (IEP, reevaluation, Prior Notices, etc)		DakotAbilities must submit: <ol style="list-style-type: none"> 1) Revised intake process 2) A written explanation of how the agency will work cooperatively with the school district to ensure IDEA requirements are met.
All non-compliance must be corrected within 1 year of this report date.		
Date: Status Report:		